



THE CITY OF NEW YORK
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BY E.C.F.

The Honorable Steven M. Gold
Chief United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Maurice Phillips v. The City of New York, et al.,
10 CV 4731 (ERK) (SMG)

Dear Chief Magistrate Judge Gold:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York assigned to the above-referenced case. I write, on behalf of defendants City of New York ("City") and Police Officer Paul McCarthy, to respectfully request a brief extension of time, until January 24, 2010, to identify additional police officers who may have been present during the incident alleged in the complaint. Counsel for plaintiff, Gabriel P. Harvis, Esq. consents this request.

Pursuant to the Court's Order dated November 16, 2010, today, defendants filed their answer to plaintiff's complaint and served their Fed. R. Civ. P. 26(a)(1)(A) disclosures upon plaintiff's counsel. With respect to the identification of any additional police officers who were involved in the underlying events, at present, this office has only been able to identify the Police Officer McCarthy as having been present for plaintiff's arrest. On information and belief, at the time of plaintiff's arrest, Police Officer McCarthy was not working with a partner. Instead, he was doing a patrol in a police vehicle by himself when his attention was directed towards a disturbance coming from an apartment which eventually led to plaintiff's arrest. Though additional police officers did respond to the scene after Police Officer McCarthy called for their assistance, Police Officer McCarthy was not able to recall the identities of any police officers who responded, nor do any of the records presently in defendants' possession reveal their identities. As such, defendants respectfully request, with plaintiff's consent, additional time to determine the identities of any police officers who responded.

I thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/

Philip R. DePaul
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Gabriel P. Harvis, Esq., *Attorney for Plaintiff* (by E.C.F.)